

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
Plaintiff	)	
	)	CR. No. 04-10290-MEL
	)	
v.	)	
	)	
GABRIEL HERNANDEZ	)	
Defendant	)	
	)	

**DEFENDANT'S ASSENTED TO MOTION TO WITHDRAW**  
**MOTION REQUESTING ORDER TO BUREAU OF PRISONS**  
**TO TRANSPORT DEFENDANT WITHOUT PREJUDICE**

Now comes the Defendant through his undersigned attorneys and requests that his motion filed January 29, 2008, requesting an order to the Bureau of Prisons be withdrawn without prejudice.

The Defendant states that his undersigned attorneys have conferenced the matter with both the United States Attorney and the Bureau of Prisons. All parties are seeking to coordinate the Defendant's appearance in Lowell District Court.

Assistant United States Attorney John Capin assents to this motion.

Assented To:

Respectfully submitted  
**Gabriel Hernandez**  
By his attorneys

/s/ **John Capin (AFC)**  
Assistant US Attorney

/s/ **Albert F. Cullen, Jr.**  
BBO# 107900  
/s/ **Albert F. Cullen, III**  
BBO# 561223  
60 K Street, Boston, MA 02127

Dated: January 29, 2008

I, Albert F. Cullen, certify that I understand that all counsel will receive electronic notice of the electronic filing of this pleading.

/s/ **Albert F. Cullen, Jr.**  
Albert F. Cullen, Jr.



